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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611.

DATE MAILED: 09/22/2004

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/204,142

Applicant(s)

ARAI ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 87-114 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 87-114 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 24.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant argues that Terakado, Yuen, and Eyer do not disclose distributing EPG information on transport streams, where a first type of EPG information related to each channel service is transmitted on a first transport stream, and a second type of EPG information related to each channel service is transmitted on one or more transport streams which are different than the first transport stream. (Applicant's response page 11).

Regarding applicants argument, Eyer discloses a system in which a trickle stream and a demand stream provide EPG data (column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35), different categories of data may have their own PID (column 17, lines 36-50). Thus the combination of Terakado, Yuen and Eyer would result in an EPG which transmits different levels of EPG data on different transport streams.

Applicant argues "accordingly, even combining Yuen and Eyer into Terakado will not produced a combined combination of detailed EPG information ... that is directed to the channel service (broadcast station) to which the viewer has tuned, and more generation EPG information (the second type of electronic program information) related

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to the remaining service channels (broadcast stations) to which the viewer has not specifically tuned." (applicant's response page 12).

Regarding applicant's argument, Claims 87 and 103, are silent regarding displaying different levels of detail for EPG information for a currently tuned station versus non-tuned stations. Independent claims 87, and 103 merely require that two levels of EPG information are transmitted to a user terminal, and that the degrees of detail are different from each other.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 87-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,311,329 to Terakado in view of U.S. Patent 5,801,753 to Eyer.

Regarding claims 87 and 103, Terakado discloses

An electronic program information means for preparing (figure 4):

Distributing information indicating which channel service should be transmitted to which transport stream (column 6, line 60-column 7 line 3),

A plurality of channel services comprising,

A first type of EPG information concerning each of the channel services (Figures 4, A1 data, column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13),

A second type of EPG information concerning each of the channel services (Figures 4, A2 data, column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13) .

Terakado fails to disclose transmitting different levels of detail for the first and second EPG information, and transmitting them over different transport streams.

Eyer discloses a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35), different categories of data may have their own PID (column 17, lines 36-50).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Terakado to transmit the different types of EPG information in different transport streams as taught by Eyer thus maintaining data flow by retrieving listings information quickly via a demand stream.

Regarding claim 88, 93, 98, Terakado discloses in Figure 4, that the A2 set is more detailed than the A1 data set. Eyer discloses that Title information and program description information are transmitted separately (column 17, lines 27-30).

Regarding claims 89, 94, and 99, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent different streams or even different media, the data includes channel data and may be modified (column 6, lines 25-column 7, line 46, column 9, line 42-column 10, line 13).

Eyer discloses different transport streams for carrying program guide information, a trickle stream and a demand stream (column 4, lines 36-54).

Terakado and Eyer inherently transmit more detail over time during the EPG information updates as Terakado discloses that it may be transmitted via a stream and Eyer discloses that the demand stream carries titles and the trickle stream carries the description information. Since it takes time to transmit the program guide data and it can not be instantly transmitted in its entirety, Terakado and Eyer must transmit more program guide information over time.

Terakado and Eyer does not disclose updating EPG information over time or for updating the start and end time of a program. The examiner takes official notice that the transmission of EPG updates is notoriously well known in the art. For example, when a sporting or political event runs over its allotted time, updates may be sent out to a user informing them of the program changes, thus enabling a user to easily find a program they wish to watch, even if it has been effected by scheduling changes. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify

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Terakado/Yuen/Eyer to transmit an EPG update to that a subscriber would be able to readily find programs they wished to watch.

Regarding claim 90, 95, and 100, Terakado discloses that the detailed program data may be modified by a user (column 6, lines 26-37).

Regarding claims 91, 96, 101 and 102, Terakado discloses that the amount of detail transmitted for each set of data is changeable (column 6, lines 25-47).

Regarding claim 92 and 107, Eyer discloses an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs (column 12, lines 15-61).

Regarding claims 97 and 111, Eyer discloses an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs, the data is carried within the MPEG header (column 12, lines 15-61).

Regarding claims 104, 108 and 112, Eyer discloses a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand

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stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35).

Regarding claims 105, 106, 109, 110, 113 and 114, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent via different streams or even different media, the data includes channel data (column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13), the program guide is displayed on a TV from data received in receiver 5 (column 5, lines 47-57).

Eyer discloses a system in which a trickle stream and a demand stream provide EPG data (column 12, lines 30-61, column 17, lines 20-27). Title and description records for a EPG entry may be transmitted on separate streams, thus title information may be rapidly transmitted via the demand stream, and the description information may be transmitted via the trickle stream (column 17, lines 27-35).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 703-305-4755. The fax phone




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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA  
PRIMARY EXAMINER